

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRIAN KEMP, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**[PROPOSED] ORDER GRANTING
CURLING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

This matter is before the Court on the Motion for Preliminary Injunction of Plaintiffs Donna Curling, Donna Price, and Jeffrey Schoenberg (the “Curling Plaintiffs”).

Upon considering the motion and supporting authorities, the response from the Defendants, and the evidence and pleadings of record, the Court finds that Plaintiffs are likely to succeed on the merits of their claims, that they will be irreparably harmed if this motion is not granted, that the balance of equities tip in Plaintiffs’ favor, and that an injunction is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The Court accordingly GRANTS the motion and it is hereby ORDERED that:

1. the Secretary of State Brian P. Kemp and the State Board of Elections are preliminarily ENJOINED to direct all the County Boards of Elections throughout Georgia that the use of direct recording electronic (DRE) voting units for in-person voting in the November 2018 midterm election and the related December 2018 runoff election is prohibited, except as expressly allowed herein with respect to voters with disabilities;
2. the Secretary of State Brian P. Kemp and the State Board of Elections are further preliminarily ENJOINED to direct all the County Boards of Elections throughout Georgia to conduct such elections using paper ballots as set forth in this Order, as follows:
 - to mail to all registered Georgia voters a return-by-mail absentee ballot that is pre-addressed, with pre-paid postage, for return to the appropriate election authority, and is postmarked by September 18, 2018;
 - to include with each absentee ballot mailed to all Georgia voters an accompanying cover letter, to be approved by this Court, containing instructions to fill in the enclosed mail-in paper ballot and encouraging voters to vote absentee;
 - consistent with OCGA 21-2-418(b), OCGA 21-2-418(c), OCGA 21-2-418(h), and OCGA 21-2-419(a), to have sufficient paper ballots in supply at each polling place for all reasonably anticipated, registered in-person voters in each precinct; and

- to make available at each polling place at least one voting system equipped for individuals with disabilities, which may include EAC-certified AutoMARK® ballot-marking devices, to ensure compliance with the Americans with Disabilities Act and Help America Vote Act. As a last resort, Defendants may include paperless DRE voting units for voters with disabilities if Defendants find that to be the only practicable method to ensure compliance with federal law in advance of the November 2018 midterm election;
3. Defendant State Election Board shall provide to this Court its reasonable estimate of the number of sufficient paper ballots to accommodate all reasonably-expected in-person voters and its plan for administering those ballots, subject to approval by this Court, as follows:
- Defendant State Election Board members shall its estimate and plan with the Court within 15 days of entry of this Order;
 - Plaintiffs shall file objections, if any, within seven days thereafter, and;
 - Defendant State Election Board Members shall file their reply, if any, within five days thereafter; and,
4. Defendant State Election Board Members shall promulgate rules requiring and specifying appropriate procedures for conducting pre-certification audits of the results of such elections, subject to approval by this Court, as follows:

- Defendant State Election Board members shall file promulgated rules with the Court within 15 days of entry of this Order;
 - Plaintiffs shall file objections, if any, within seven days thereafter, and;
 - Defendant State Election Board Members shall file their reply, if any, within five days thereafter; and,
5. Parties must submit their proposed cover letters, consistent with this Order, to the Court for approval by August 31.

IT IS SO ORDERED, this ____ day of _____, 2018.

The Honorable Amy Totenberg
Judge, United States District Court